REMARKS

Applicant thanks the Office for the attention accorded the present Application in the August 3, 2006, Office Action. In that Action, Claim 10 was rejected under 35 USC §102(b) as being anticipated by Piazza (U.S. Patent Number 3,984,957), Claim 11 was rejected under 35 USC §103(a) as being unpatentable over Piazza in view of Saebi et al. (U.S. Patent Number 6,985,832), Claim 12 was rejected under 35 USC §103(a) as being unpatentable over Piazza in view of Riefler (U.S. Patent Number 4,098,040), and Claims 1-9, 13 and 14 were allowed.

35 USC §102(b) rejections:

The Office has rejected Claim 10 under 35 USC §102(b) as being anticipated by Piazza. The Office states that each element of the Claim 10 was disclosed in the Piazza patent. Specifically, the Office states that Piazza discloses a form kit assembly comprising: a plurality of GRC forms 35 having a plurality of open cavities where the forms are combination of wall and floor panels designed for predetermined application and reinforcement structure 14 for insertion within the plurality of cavities. Applicant respectfully traverses.

Applicant has amended Claims 10 and 12 to clarify that the pre-cast GRC forms have a plurality of open cavities that form an interconnecting void within an assembly when the forms are assembled on-site as a modular-type assembly and which are configured for receiving reinforcement structure and pourable concrete on-site after assembly. The reinforcement structure and concrete within the interconnecting void creates an assembly support structure for the modular-type assembly and to permanently join the forms.

Piazza discloses a composite building module that is pre-fabricated prior to the assembly of a plurality of modules on-site to form a building assembly. The Piazza module has a shell (that includes a top half and bottom half) and a foam core encased within the shell. (See Piazza Fig. 1a; column 2, lines 61-67). The foam core, which is preferably rigid urethane foams that are well-known and widely used for insulation purposes, is incorporated into the shell to form a monolithic-like building module. The finished, pre-fabricated modules are then joined using an elastomeric material which forms a joint between adjacent panels/modules during assembly of the modules forming the building.

Piazza fails to disclose a panel with cavities that form an interconnecting void upon assembly of a plurality of the pre-fabricated monolithic-like modules to form the building. Piazza also fails to disclose the filling of an interconnecting void with pourable concrete to create a support structure (i.e. the "skeleton") of the building and that the pourable concrete permanently joins the panels together upon curing of the concrete.

Applicant's amended claims now claim panels with cavities that form an interconnecting void after the panels are assembled on-site and further claims the interconnecting void creates a support structure for the building and to permanently join the panels together once pourable concrete is poured into the interconnecting void and cured. Piazza must create each panel with the foam core to form a pre-fabricated, monolithic-like module that then gets assembled with other pre-fabricated modules to form the building. Piazza's modules do not have cavities that form an interconnecting void when assembled on-site since the modules are already formed as a monolithic-like structure before assembly into a building.

Further, Piazza discloses the need to use another elastomeric material to form a joint between adjacent panels when assembling the building. Applicant's claimed invention does not require the use of any elastomeric material to form a joint between adjacent panels.

Thus, Piazza cannot anticipate Applicant's claimed invention.

In light of the above amendments and arguments the Applicant respectfully submits that the 35 U.S.C. §102(b) rejection of Claim 10 has been successfully traversed. Allowance of this claim is therefore requested.

35 USC §103(a) rejections:

The Office has rejected Claim 11 under 35 USC §103(a) as being unpatentable over Piazza in view of Saebi. The Office states that Piazza discloses all of the elements of Applicant's invention and that Saebi discloses a form kit with assembly instructions in CAD. The Office states that it would have been obvious to one of ordinary skill in the art to assemble the module of Piazza using instructions for a convenient means of assembly as shown by Saebi. Applicant respectfully traverses.

Applicant's amendment to Claim 10 and the arguments presented above have overcome the rejection of Claim 10, which now contains patentable subject matter. Where Claim 11 is dependent from Claim 10, Claim 11 also contains patentable subject matter. Allowance of Claim 11 is therefore requested.

The Office has rejected Claim 12 under 35 USC §103(a) as being unpatentable over Piazza in view of Riefler. The Office states that Piazza discloses the method of using permanent GRC forms having flanges to form channels, while Riefler discloses constructing steel reinforcement and disposing concrete and steel reinforcement within the GRC forms. The Office further states that Piazza discloses disposing concrete 12/12' within GRC forms 35. The Office concludes that in view of the above, it would have been obvious to strengthen the panel structure using the reinforcement of steel rods as shown in Riefler. Applicant respectfully traverses.

Applicant has amended Claim 12 to include the limitations that the flange of Applicant's form forms at least one channel that is a portion of an interconnecting void created when one or more forms are assembled to create the building assembly and that the interconnecting void is configured to receive pourable concrete that creates a building assembly support structure for the building assembly on-site and to permanently join the forms together.

In contrast, Piazza discloses building modules that are like monolithic modules in outward appearance and use (See Piazza, Col. 4, lines 19-20), and thus have flat joining surfaces. As explained above, Piazza's monolithic modules do not have cavities adapted to form an interconnecting void for receiving poured concrete, which is used to join one Piazza module to another. In fact, Piazza must use another elastomeric material to join adjacent panels/modules together during building assembly.

Riefler discloses constructing steel reinforcement for placement within a channel of a GRC form, however, Reifler's channel does not form an interconnecting void throughout the building assembly. In fact, Reifler only mentions the use of steel reinforcement embedded in a concrete grout fill at the top of the prefabricated modular block wall panel. Reifler's blocks are laid dry and bonded by plastered skins of glass fiber cement. (See Col. 4, Lines 1-13).

No where in Reifler is there a teaching to form a prefabricated panel with a flange that creates at least one cavity when assembled to another panel where the cavity is a portion of an interconnected void for receiving pourable concrete not only to create a building supporting structure on-site but also to permanently join the plurality of panels together. In fact, Reifler discloses the use of steel I-beam columns to receive the prefabricated panels and further states that the panels are grouted to the I-beams or a continuous wood wedge is used to secure the panel between the flanges of the I-beams. (See Col. 2, lines 40-56). As stated above, Piazza also does not teach a panel such as Applicant's claimed invention. Piazza in view of Reifler fails to teach or suggest Applicant's claimed invention.

Additionally, the Office misinterprets the Piazza disclosure when it states that number 12 and 12' refer to the concrete disposed within GRC form 35. As evidenced by Figs. 1a and 2 top half 12' and bottom half 12 are the GRC forms that together form the shell of Piazza's module 10 (See Piazza, Col. 2, lines 62-66), while number 35 refers to a specific stepped configuration that is formed on the side wall of the bottom half 12 by a ledge 38 and rib 34. (See Piazza, Col. 2, lines 66-69; Col. 3, lines 1-3). Accordingly, while Piazza discloses that the top half 12' and bottom half 12 can be made out of concrete, they cannot represent at the same time two different elements, i.e. a shell and a concrete that is disposed within that shell.

In light of the above amendments and arguments, Applicant respectfully submits that 35 U.S.C §103(a) rejection of Claims 11 and 12 has been successfully traversed. Allowance of these claims is therefore requested.

CONCLUSION

Applicant respectfully submits that the amendments to the pending claims and the arguments presented herein successfully traverse the 35 U.S.C. §102(b) rejection of Claim 10 as being anticipated by Piazza, the 35 U.S.C. §103(a) rejection of Claim 11 as being unpatentable over Piazza in view of Saebi et al., and the 35 U.S.C. §103(a) rejection of Claim 12 as being unpatentable over Piazza in view of Riefler.

Applicant believes that all of the pending claims should now be in condition for allowance. Early and favorable action is respectfully requested.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

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